

(i) grants which involve, coordinate with, or encourage tribal economic development plans; and

(ii) applications from tribally controlled community colleges which—

(I) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational education; or

(II) operate vocational education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational education programs.

(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.

(2) The Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities administered either directly by, or under contract with, the Bureau of Indian Affairs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

(3) Programs funded under this subsection shall be in addition to such other programs, services, and activities as are made available to eligible Indians under other provisions of this chapter.

(4) For the purposes of this chapter, the Bureau of Indian Affairs shall be deemed to be a State board; and all the provisions of this chapter shall be applicable to the Bureau as if it were a State board.

(c) Hawaiian natives

From the funds reserved pursuant to section 2311(a)(1)(B)(ii) of this title, the Secretary is directed, to enter into contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Hawaiian natives.

(Pub. L. 88-210, title I, §103, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 101-392, title I, §103, Sept. 25, 1990, 104

Stat. 762; Pub. L. 102-103, title III, §311(b), Aug. 17, 1991, 105 Stat. 505.)

REFERENCES IN TEXT

Act of April 16, 1934, referred to in subsecs. (a)(1) and (b)(1)(A), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 452 of Title 25 and Tables.

The Indian Self-Determination Act, referred to in subsec. (b)(1)(A), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Section 2019(3) of title 25, referred to in subsec. (b)(1)(A)(ii), was in the original a reference to section 1139(3) of the Education Amendments of 1978, Pub. L. 95-561. Section 1139 of Pub. L. 95-561 was omitted in the general amendment of chapter 22 (§2001 et seq.) of Title 25 by Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3979. Pub. L. 103-382 enacted a new section 1139 of Pub. L. 95-561, relating to regulations, which is classified to section 2019 of Title 25. Provisions defining "Bureau funded schools" are now contained in section 2026 of Title 25.

AMENDMENTS

1991—Subsec. (b)(1)(D). Pub. L. 102-103 added subpar. (D).

1990—Subsec. (b)(1). Pub. L. 101-392 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "From the funds reserved pursuant to section 2311(a)(1)(B)(i) of this title, the Secretary is directed, upon the request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, to enter into grants or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the purposes of this chapter, except that such grants or contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this sentence. From any remaining funds reserved pursuant to section 2311(a)(1)(B) of this title and available for this subsection, the Secretary is authorized to enter into an agreement with the Assistant Secretary of the Interior for Indian Affairs for the operation of vocational education programs authorized by this chapter in institutions serving Indians eligible to receive educational benefits as Indians from the Bureau of Indian Affairs, and the Secretary of the Interior is authorized to receive the funds for the purposes described in this paragraph."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 2301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2302, 2311 of this title.

PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

§ 2321. State administration

(a) Establishment of board; administrative responsibilities; delegation of functions

(1) Any State desiring to participate in the vocational education program authorized by this

chapter shall, consistent with State law, designate or establish a State board of vocational education which shall be the sole State agency responsible for the administration or the supervision of the State vocational education program. The responsibilities of the State board shall include—

(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this chapter pursuant to section 2323(b)(8) of this title, section 2326 of this title, and section 2327 of this title; and¹

(B) the development, in consultation with the State council on vocational education, and the submission to the Secretary, of the State plan required by section 2323 of this title and by section 2324 of this title;

(C) consultation with the State council established pursuant to section 2322 of this title, and other appropriate agencies, groups, and individuals, including business, industry, and labor, involved in the planning, administration, evaluation, and coordination of programs funded under this chapter;

(D) convening and meeting as a State board (consistent with State law and procedure for the conduct of such meetings) at such time as the State board determines necessary to carry out its functions under this chapter, but not less than four times annually; and

(E) the adoption of such procedures as the State board considers necessary to implement State level coordination with the State job training coordinating council to encourage cooperation in the conduct of their respective programs.

Except with respect to the functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

(2) Each State shall include a description of any delegation of its functions under paragraph (1) in its State plan, or amendments to such plan, submitted to the Secretary.

(b) Assignment of personnel by State; functions of personnel; implementing funds; “State” defined

(1) Any State desiring to participate in the programs authorized by this chapter shall assign one individual within the appropriate agency established or designated by the State board under the last sentence of subsection (a)(1) of this section to administer vocational education programs within the State, to work full time to assist the State board to fulfill the purposes of this chapter by—

(A) administering the program of vocational education for single parents and homemakers described in section 2335 of this title and the sex equity program described in section 2335a of this title;

(B) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in

meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

(C) reviewing and commenting upon, and making recommendations concerning, the plans of local educational agencies, area vocational education schools, intermediate educational agencies, and postsecondary educational institutions to ensure that the needs of women and men for training in nontraditional jobs are met;

(D) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high technology occupations, and submitting (i) recommendations for inclusion in the State plan of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State’s progress in meeting the purposes of this chapter with regard to overcoming sex discrimination and sex stereotyping;

(E) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this chapter;

(F) developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

(G) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women;

(H) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students’ enrollment in nontraditional programs;

(I) developing an annual plan for the use of all funds available for such programs;

(J) managing the distribution of funds pursuant to section 2335b of this title;

(K) monitoring the use of funds distributed to recipients under such programs; and

(L) evaluating the effectiveness of programs and activities supported by such funds.

(2) For the purpose of this subsection, the term “State” means any one of the fifty States and the District of Columbia.

(3) Each State shall from funds allocated under section 2312(a)(4)(A) of this title expend not less than \$60,000 in each fiscal year to carry out the provisions of this subsection.

(c) Review of plans with respect to students with handicaps

(1) Any State desiring to participate in the programs authorized by this chapter shall des-

¹ So in original. The word “and” probably should not appear.

ignate or assign the head of the State office responsible for administering part B of the Education of the Handicapped Act [20 U.S.C. 1411 et seq.] to review the implementation of the provisions of this chapter as such provisions relate to students with handicaps by reviewing all or a representative sample of plans of eligible recipients to—

(A) assure that individuals with handicaps are receiving vocational educational services;

(B) assure that the plans of the eligible recipient provide assurances of compliance with the provisions of section 794 of title 29 and the Education of² Handicapped Act [20 U.S.C. 1400 et seq.] regarding equal access to programs; and

(C) assure that the eligible recipients have—

(i) identified the number of students with handicaps enrolled in vocational programs operated by the eligible recipient;

(ii) assessed the vocational needs of the students identified pursuant to clause (i); and

(iii) developed an adequate plan to provide supplementary services sufficient to meet the needs of such students.

(2) For purposes of this subsection and subsections (d) and (e) of this section, the term “State” means any 1 of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) Needs of economically disadvantaged students

Any State desiring to participate in the programs authorized by this chapter shall assign the head of the State office or other appropriate individual responsible for coordinating services under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] to review all or a representative sample of plans of the eligible recipients to ensure that the number of economically disadvantaged students have been identified, and that the needs of such students are being met as outlined by such plans.

(e) Needs of students of limited English proficiency

Any State desiring to participate in the programs authorized by this chapter shall designate or assign the head of the State office or other appropriate individual responsible for administering programs for students of limited English proficiency to review all or a representative sample of the plans of the eligible recipients to ensure the numbers of students of limited English proficiency have been identified and that the needs of such students for participation in vocational education programs are being met as outlined by such plans.

(f) Program listing; availability to private industry councils

The State board shall make available to each private industry council established under section 102 of the Job Training Partnership Act [29 U.S.C. 1512] within the State a listing of all programs assisted under this chapter.

(g) Technical committees; procedures established by State board; membership

Each State board, in consultation with the State council, shall establish a limited number of technical committees to advise the council and the board on the development of model curricula to address State labor market needs. Technical committees shall develop an inventory of skills that may be used by the State board to define state-of-the-art model curricula. Such inventory will provide the type and level of knowledge and skills needed for entry, retention, and advancement in occupational areas taught in the State. The State board shall establish procedures for membership, operation, and duration of such committees consistent with the purposes of this chapter. The membership shall be representatives of (1) employers from any relevant industry or occupation for which the committee is established; (2) trade or professional organizations representing any relevant occupations; and (3) organized labor, where appropriate.

(Pub. L. 88-210, title I, §111, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2441; amended Pub. L. 101-392, title I, §111, Sept. 25, 1990, 104 Stat. 763; Pub. L. 103-382, title III, §391(s)(1), Oct. 20, 1994, 108 Stat. 4024.)

REFERENCES IN TEXT

The Education of the Handicapped Act, referred to in subsec. (c)(1), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, known as the Individuals with Disabilities Education Act, which is classified generally to chapter 33 (§1400 et seq.) of this title. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-382 substituted “title I” for “chapter 1 of title I”.

1990—Subsec. (a)(1)(A). Pub. L. 101-392, §111(1), substituted “section 2323(b)(8) of this title, section 2326 of this title, and section 2327 of this title” for “section 2323(b)(9) of this title”.

Subsec. (a)(1)(C). Pub. L. 101-392, §111(2), inserted “, including business, industry, and labor,” before “involved”.

Subsec. (b)(1)(A). Pub. L. 101-392, §111(3)(A), substituted “section 2335 of this title” for “section 2331(f) of this title” and “section 2335a of this title” for “section 2331(g) of this title”.

Subsec. (b)(1)(C) to (L). Pub. L. 101-392, §111(3)(B)–(F), added subpars. (C) and (I) to (L) and redesignated former subpars. (C) to (G) as (D) to (H), respectively.

Subsec. (b)(3). Pub. L. 101-392, §111(4), inserted “from funds allocated under section 2312(a)(4)(A) of this title” before “expend”.

Subsecs. (c) to (g). Pub. L. 101-392, §111(5)–(7), added subsecs. (c) to (e), redesignated former subsecs. (c) and (d) as (f) and (g), respectively, and struck out former subsec. (e) which required that imposition of any State rule or policy relating to administration and operation of programs funded by this chapter (including any rule or policy based on State interpretation of any Federal

² So in original. Probably should be “of the”.

law, regulation, or guideline) had to be identified as State imposed requirement.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 2301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2325, 2335a, 2335b, 2362, 2395d, 2441, 6123, 6143, 6193 of this title; title 29 sections 1532, 1697.

§ 2322. State council on vocational education

(a) Establishment; membership

Except as provided in subsection (g) of this section, each State which desires to participate in vocational education programs authorized by this chapter for any fiscal year shall establish a State council, which shall be appointed by the Governor or, in the case of States in which the members of the State board of education are elected (including election by the State legislature), by such board. Each State council shall be composed of 13 individuals, and shall be broadly representative of citizens and groups within the State having an interest in vocational education. Each State council shall consist of—

(1) seven individuals who are representative of the private sector in the State who shall constitute a majority of the membership—

(A) five of whom shall be representative of business, industry, trade organizations, and agriculture including—

(i) one member who is representative of small business concerns; and

(ii) one member who is a private sector member of the State job training coordinating council (established pursuant to section 122 of the Job Training Partnership Act [29 U.S.C. 1532]), and

(B) two of whom shall be representatives of labor organizations;

(2) six individuals who are representative of secondary and postsecondary vocational institutions (equitably distributed among such institutions), career guidance and counseling organizations within the State, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) and of whom one member shall be representative of special education and may include members of vocational student organizations and school board members.

In selecting individuals under subsection (a) of this section to serve on the State council, due consideration shall be given to the appointment of individuals who serve on a private industry council under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], or on State councils established under other related Federal Acts. No employee of the State board shall serve on the State council.

(b) Certification requirements of establishment and membership

The State shall certify to the Secretary the establishment and membership of the State

council by the beginning of each State plan period described in section 2323(a)(1) of this title.

(c) Meetings; chairperson; rules for operating procedure and staffing

Each State council shall meet as soon as practical after certification has been accepted by the Secretary and shall select from among its membership a chairperson who shall be representative of the private sector. The time, place, and manner of meeting, as well as council operating procedures and staffing, shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

(d) Functions and duties

During each State plan period described in section 2323(a)(1) of this title, each State council shall—

(1) meet with the State board or its representatives to advise on the development of the subsequent State plan;

(2) made recommendations to the State board and make reports to the Governor, the business community, and general public of the State, concerning—

(A) the State plan;

(B) policies the State should pursue to strengthen vocational education (with particular attention to programs for the handicapped); and

(C) initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

(3) analyze and report on the distribution of spending for vocational education in the State and on the availability of vocational education activities and services within the State;

(4) furnish consultation to the State board on the establishment of evaluation criteria for vocational education programs within the State;

(5) submit recommendations to the State board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

(6) assess the distribution of financial assistance furnished under this chapter, particularly with the analysis of the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

(7) recommend procedures to the State board to ensure and enhance the participation of the public in the provision of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

(8) report to the State board on the extent to which individuals who are members of special populations are provided with equal access to quality vocational education programs;

(9) analyze and review corrections education programs; and

(10)(A) evaluate at least once every 2 years—

(i) the extent to which vocational education, employment, and training programs

in the State represent a consistent, integrated, and coordinated approach to meeting the economic needs of the State;

(ii) the vocational education program delivery system assisted under this chapter, and the job training program delivery system assisted under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], in terms of such delivery systems' adequacy and effectiveness in achieving the purposes of each of this chapter and the Job Training Partnership Act; and

(iii) make recommendations to the State board on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act;

(B) comment on the adequacy or inadequacy of State action in implementing the State plan;

(C) make recommendations to the State board on ways to create greater incentives for joint planning and collaboration between the vocational education system and the job training system at the State and local levels; and

(D) advise the Governor, the State board, the State job training coordinating council, the Secretary, and the Secretary of Labor regarding such evaluation, findings, and recommendations.

(e) Employment of professional, technical, and clerical personnel; contracts for employment of personnel for implementation of evaluation functions; comment statement

Each State council is authorized to obtain the services of such professional, technical, and clerical, personnel as may be necessary to enable it to carry out its functions under this chapter and to contract for such services as may be necessary to enable the Council to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals. Each State Council¹ may submit a statement to the Secretary reviewing and commenting upon the State plan. Such statement shall be sent to the Secretary with the State plan.

(f) Authorization of appropriations for grants to councils; amounts of grants; expenditure of funds

(1)(A) Except as provided in subparagraph (B), from the sums appropriated pursuant to section 2302(c) of this title, the Secretary shall first make grants of \$150,000 to each State council. From the remainder of such sums the Secretary shall allot to each State council an amount in accordance with the method of allotment set forth in section 2311(a)(2) of this title, provided that—

(i) no State council shall receive more than \$250,000 for each fiscal year;

(ii) no State council shall receive less than \$150,000 for each fiscal year; and

(iii) no State council shall receive less than such State council was allotted in the fiscal year 1990;

(B) From the sums appropriated pursuant to section 2302(c) of this title for each fiscal year, the Secretary shall make grants of—

(i) \$60,000 to each of the State councils of the Virgin Islands and Guam; and

(ii) \$25,000 to each of the State councils of American Samoa, Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48), and the Commonwealth of the Northern Mariana Islands.

(2) The expenditure of the funds paid pursuant to this subsection is to be determined solely by the State council for carrying out its functions under this chapter, and may not be diverted or reprogramed for any other purpose by any State board, agency, or individual. Each State council shall designate an appropriate State agency or other public agency, eligible to receive funds under this chapter, to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

(g) Designation of State human resource investment council as "State Council"

(1) In lieu of establishing the State council required under subsection (a) of this section, each State may satisfy the requirements of this section by designating the State human resource investment council established in accordance with title VII of the Job Training Partnership Act [29 U.S.C. 1792 et seq.] (in this subsection referred to as the "State Council") to carry out the duties described in subsection (d) of this section.

(2) Funds available under subsection (f) of this section may be allotted to the State Council to carry out such duties and the other duties of the State Council if the Governor and head of the State agency responsible for administration of the programs under this chapter agree to such an allotment. Only funds available under subsection (f) of this section may be so allotted.

(Pub. L. 88-210, title I, §112, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2443; amended Pub. L. 99-159, title VII, §703, Nov. 22, 1985, 99 Stat. 905; Pub. L. 101-392, title I, §112, Sept. 25, 1990, 104 Stat. 765; Pub. L. 102-367, title VI, §601(b)(1), Sept. 7, 1992, 106 Stat. 1102.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsecs. (a), (d)(10)(A), and (g)(1), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. Title VII of the Act is classified to subchapter VI (§1792 et seq.) of chapter 19 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in subsec. (f)(1)(B)(ii), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-367, §601(b)(1)(A), which directed the substitution of "Except as provided in subsection (g) of this section, each" for "Each", was executed by substituting the quoted language for "Each" the first place appearing, to reflect the probable intent of Congress.

Subsec. (g). Pub. L. 102-367, §601(b)(1)(B), added subsec. (g).

¹ So in original. Probably should not be capitalized.

1990—Subsec. (a). Pub. L. 101-392, §112(3), inserted at end “No employee of the State board shall serve on the State council.”

Subsec. (a)(1)(A). Pub. L. 101-392, §112(1), inserted “trade organizations,” after “industry.”

Subsec. (a)(2). Pub. L. 101-392, §112(2), inserted before period at end “and may include members of vocational student organizations and school board members”.

Subsec. (d)(2). Pub. L. 101-392, §112(4), substituted “make recommendations to” for “advise” in introductory provisions, added subpar. (A), and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsec. (d)(8). Pub. L. 101-392, §112(5)(A), substituted “individuals who are members of special populations” for “the individuals described in section 2331(b) of this title”.

Subsec. (d)(9), (10). Pub. L. 101-392, §112(5)(B), (6), added pars. (9) and (10) and struck out former par. (9) which read as follows: “(A) evaluate at least once every two years (i) the vocational education program delivery systems assisted under this chapter, and under the Job Training Partnership Act, in terms of their adequacy and effectiveness in achieving the purposes of each of this chapter and the Job Training Partnership Act and (ii) make recommendations to the State board on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act and (B) advise the Governor, the State board, the State job training coordinating council, the Secretary, and the Secretary of Labor of these findings and recommendations.”

Subsec. (e). Pub. L. 101-392, §112(7), inserted provisions directing that, if State Councils submit statements to Secretary reviewing and commenting upon State plan, such statements are to be sent to Secretary with State plan.

Subsec. (f)(1)(A). Pub. L. 101-392, §112(8), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “Except as provided in subparagraph (B), from the amounts appropriated pursuant to section 2302(c) of this title the Secretary shall make grants to State councils from amounts allotted to State councils in accordance with the method for allotment contained in section 2311(a)(2) of this title, without regard to paragraph (3), except that no State council shall be allotted less than \$120,000 nor more than \$225,000 for each fiscal year.”

Subsec. (f)(1)(B). Pub. L. 101-392, §112(9), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “From the amounts appropriated pursuant to section 2302(c) of this title, for each fiscal year, the Secretary shall make grants of \$50,000 to the State councils of the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.”

1985—Subsec. (b). Pub. L. 99-159, §703(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The State shall certify the establishment and membership of the State council at least 90 days prior to the beginning of each planning period described in section 2323(a)(1) of this title.”

Subsec. (d). Pub. L. 99-159, §703(b), inserted provisions relating to each State plan period in text preceding par. (1), and in par. (1) struck out “during the planning year” after “representatives” and inserted “subsequent” before “State plan”.

Subsec. (f)(1)(A). Pub. L. 99-159, §703(c)(1), inserted provisions excepting applicability of subpar. (B).

Subsec. (f)(1)(B). Pub. L. 99-159, §703(c)(2), amended subpar. (B) generally, substituting provisions authorizing grants for each fiscal year to Guam, etc., for provisions defining “State”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-367 effective July 1, 1993, see section 701(a) of Pub. L. 102-367, set out as a note under section 1501 of Title 29, Labor.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 2301 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-159 effective July 1, 1985, with amendment by section 703(c)(2) of Pub. L. 99-159 not applicable to funds appropriated before Nov. 22, 1985, see section 714 of Pub. L. 99-159, set out as a note under section 2311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2302, 2321, 2323, 2395d, 2461, 2471 of this title; title 29 section 1792b.

§ 2323. State plan

(a) In general

(1)(A) Any State desiring to receive funds from its allotment for any fiscal year shall submit to the Secretary a State plan for a 3-year period, in the case of the initial plan, and a 2-year period thereafter, together with such annual revisions as the State board determines to be necessary.

(B) The planning periods required by subparagraph (A) shall be coterminous with the planning program periods required under section 104(a) of the Job Training Partnership Act [29 U.S.C. 1514(a)].

(2)(A) In formulating the State plan (and amendments thereto), the State board shall meet with and utilize the State council established pursuant to section 2322 of this title.

(B) The State board shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the State board's response shall be included with the State plan.

(3) In developing the State plan, the State shall conduct an assessment according to section 2326 of this title. Such assessment shall include analysis of—

(A) the relative academic, occupational, training, and retraining needs of secondary, adult, and postsecondary students; and

(B) the capability of vocational education programs to provide vocational education students, to the extent practicable, with—

(i) strong experience in and understanding of all aspects of the industry the students are preparing to enter (including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues); and

(ii) strong development and use of problem-solving skills and basic and advanced academic skills (including skills in the areas of mathematics, reading, writing, science, and social studies) in a technological setting.

(b) Contents

Each State plan shall—

(1) describe the procedures and the results of each of the assessments required by section 2326(a) of this title, including the needs identified by such assessments;

(2) describe how uses of funds reflect the needs described in paragraph (1);

(3) provide assurances that, and where necessary a description of the manner in which,

eligible recipients will comply with the requirements of subchapters I and II of this chapter, including—

(A) a description of the manner in which the State will comply with the criteria required for programs for individuals who are members of special populations and a description of the responsiveness of such programs to the special needs of such students;

(B) assurances that the State board will develop measurable goals and accountability measures for meeting the needs of individuals who are members of special populations;

(C) assurances that the State board will conduct adequate monitoring of programs conducted by eligible recipients to ensure that programs within the State are meeting the goals described in subparagraph (B); and

(D) assurances that, to the extent consistent with the number and location of individuals who are members of special populations who are enrolled in private secondary schools, provision is made for the participation of such individuals in the vocational education programs assisted under section 2341 of this title;

(4) describe the estimated distribution of funds to corrections educational agencies as prescribed by section 2336 of this title, the estimated distribution of funds to local educational agencies, area vocational education schools, or intermediate educational agencies as prescribed by section 2341 of this title, and the planned estimated distribution of funds to eligible institutions as prescribed by section 2341a of this title;

(5) provide assurances that the State will comply with the provisions of section 2312 of this title, including assurances that the State will distribute not less than 75 percent of the funds made available for subchapter II of this chapter to eligible recipients pursuant to such subchapter;

(6) describe the criteria the State board will use—

(A) in approving applications of eligible recipients; and

(B) for spending the amounts reserved for the State under paragraphs (2) through (5) of section 2312(a) of this title;

(7) describe how funds expended for occupationally specific training will be used for occupations in which job openings are projected or available, based on a labor market analysis;

(8) provide assurances that the State will develop and implement a system of standards for performance and measures of performance for vocational education programs at the State level that meets the requirements of section 2325 of this title;

(9) describe, in each State plan submitted after the fiscal year 1991, the progress the State has made in achieving the goals described in previous State plans;

(10) provide such methods of administration as are necessary for the prompt and efficient administration of programs under this chapter;

(11) provide assurances that, in the use of funds available for single parents, displaced

homemakers, and single pregnant women under section 2335 of this title, the State will emphasize assisting individuals with the greatest financial need, and that the State will give special consideration to displaced homemakers who because of divorce, separation, or the death or disability of a spouse must prepare for paid employment;

(12) provide assurances that the State will furnish relevant training and vocational education activities to men and women who desire to enter occupations that are not traditionally associated with their sex;

(13) describe how the State is implementing performance evaluations with eligible recipients as prescribed in section 2327 of this title;

(14) describe the methods proposed for the joint planning and coordination of programs carried out under this chapter with programs conducted under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], the Adult Education Act [20 U.S.C. 1201 et seq.], title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], the Education of the Handicapped Act [20 U.S.C. 1400 et seq.], and the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and with apprenticeship programs;

(15) provide assurances that programs of personnel development and curriculum development shall be funded to further the goals identified in the State plan;

(16) provide assurances that the vocational education needs of identifiable segments of the population in the State that have the highest rates of unemployment have been thoroughly assessed, and that such needs are reflected in and addressed by the State plan;

(17) provide assurances that the State board will cooperate with the State council in carrying out the Board's duties under this part;

(18) provide assurances that none of the funds expended under this chapter will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization;

(19) provide assurances that State and local funds will be used in the schools of each local educational agency that are receiving funds under this chapter to provide services which, taken as a whole, are at least comparable to services being provided in schools in such agency which are not receiving such funds;

(20)(A) provide assurances that the State will provide leadership, supervision, and resources for comprehensive career guidance, vocational counseling, and placement programs;

(B) as a component of the assurances described in subparagraph (A), annually assess and report on the degree to which expenditures aggregated within the State for career guidance and vocational counseling from allotments under subchapter II of this chapter are not less than such expenditures for such guidance and counseling within the State in the fiscal year 1988;

(21) provide assurances that the State will provide for such fiscal control and fund accounting procedures as may be necessary to

assure the proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this chapter);

(22) provide procedures by which an area vocational education school, intermediate educational agency, or local educational agency may appeal decisions adverse to its interests with respect to programs assisted under this chapter; and

(23) describe how the State will comply with the provisions of section 2328 of this title.

(c) Amendments to State plan

When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved State plan, the State board, in consultation with the State council, shall submit amendments to such State plan to the Secretary. Any such amendments shall be subject to review by the State job training coordinating council and the State council.

(Pub. L. 88-210, title I, §113, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2445; amended Pub. L. 99-159, title VII, §§704, 713(a)(1), (2), Nov. 22, 1985, 99 Stat. 905, 907; Pub. L. 101-392, title I, §113, Sept. 25, 1990, 104 Stat. 766; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(2), Oct. 20, 1994, 108 Stat. 4024.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (b)(14), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

The Adult Education Act, referred to in subsec. (b)(14), is title III of Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1216, as amended, which is classified generally to chapter 30 (§1201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(14), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Education of the Handicapped Act, referred to in subsec. (b)(14), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, known as the Individuals with Disabilities Education Act, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(14), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

AMENDMENTS

1994—Subsec. (b)(14). Pub. L. 103-382 substituted “title I” for “chapter 1 of title I”.

1990—Pub. L. 101-392 amended section generally, substituting provisions relating to types of analysis to include in State’s assessment of State plan for provisions relating to types of assessments State was to make in development of State plan, amending list of descrip-

tions and assurances to be provided in State plan, and deleting requirement that Secretary approve State plan amendments.

Subsec. (b)(10). Pub. L. 101-476 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

1985—Subsec. (b)(9)(C). Pub. L. 99-159, §704, substituted “the projects, services, and activities supported under this chapter of not less than 20 percent of the participating eligible recipients within the State in each fiscal year” for “not less than 20 percent of the eligible recipients assisted within the State in each fiscal year”.

Subsec. (b)(10). Pub. L. 99-159, §713(a)(1), inserted “of 1981” after “Education Consolidation and Improvement Act”.

Subsec. (b)(11). Pub. L. 99-159, §713(a)(2), inserted “provide assurances” before “that”.

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 1087ee of this title.

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 2301 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-159 effective July 1, 1985, see section 714(a) of Pub. L. 99-159, set out as a note under section 2311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321, 2322 of this title; title 29 section 1532.

§ 2324. State plan approval

(a) In general

The State board shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult education, postsecondary education, tech-prep education, and secondary education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational education, and the State agency responsible for secondary education. The State board shall, in developing such plan, take into consideration the relative training and retraining needs of secondary, adult, and postsecondary students, and shall include the State’s rationale for distribution of funds. If a State agency finds that a portion of the final State plan is objectionable, such agency shall file such objections with the State board. The State board shall respond to any objections of such agency in submitting such plan to the Secretary. The Secretary shall consider such comments in reviewing the State plan.

(b) Time for submission; approval

Each State plan shall be submitted to the Secretary by May 1 preceding the beginning of the first fiscal year for which such plan is to be in effect. The Secretary shall approve each plan before the expiration of the 60-day period beginning on the date the plan is submitted, if the plan meets the requirements of section 2323 of this title and is of sufficient quality to meet the objectives of this chapter (including the objective of developing and implementing program evaluations and improvements), and shall subse-

quently take appropriate actions to monitor the State's compliance with the provisions of its plan and the requirements of this chapter on a regular basis. The Secretary shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State board.

(Pub. L. 88-210, title I, §114, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, §114, Sept. 25, 1990, 104 Stat. 769.)

AMENDMENTS

1990—Pub. L. 101-392 amended section generally, substituting provisions consisting of subsecs. (a) and (b) relating to consultation by State board with State agency responsible for supervision of 2-year postsecondary vocational education institutions in developing portion of State plan relating to funds for adult education, postsecondary education, tech-prep education, and secondary education and procedures for submission of State plan to Secretary and obtaining approval for provisions consisting of subsecs. (a) to (c) relating to submission of State plan to State legislature and State job training coordinating council for review and comment, technical assistance and guidance by Secretary to State in fulfilling requirements for State plans, and procedures for submission of State plan to Secretary and obtaining approval.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 2301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321, 2362, 2461, 2471 of this title.

§ 2325. State and local standards and measures

(a) General authority

Each State board receiving funds under this chapter shall develop and implement a statewide system of core standards and measures of performance for secondary and postsecondary vocational education programs. Each State board receiving funds under this chapter, before the expiration of the 30-day period beginning on September 25, 1990, shall appoint the State Committee of Practitioners (in this section referred to as the "Committee") as prescribed by section 2468a(a) of this title after consulting with local school officials representing eligible recipients, and representatives of organized labor, business, superintendents, community-based organizations, private industry councils established under section 102(a) of the Job Training Partnership Act [29 U.S.C. 1512(a)], State councils, parents, special populations, correctional institutions, the administrator appointed under section 2321(b)(1) of this title, the State administrator of programs assisted under part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.], the State administrator of programs assisted under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], the State administrator of programs for students of limited English proficiency, and guidance counselors. Such system shall be developed and implemented before the end of the 2-year period beginning on September 25, 1990, and shall apply to all programs assisted

under this chapter. Eligible recipients may make local modifications to such system based on economic, geographic, or demographic factors, or the characteristics of the population to be served. Such modifications shall conform to the assessment criteria contained in the State plan. The State board shall convene the Committee on a regular basis to review, comment on, and propose revisions to a draft State proposal, which the State board shall develop, for a system of core standards and measures of performance for vocational programs.

(b) Requirements

Each system developed under subsection (a) of this section shall include—

(1) measures of learning and competency gains, including student progress in the achievement of basic and more advanced academic skills;

(2) 1 or more measures of performance, which shall include only—

(A) competency attainment;

(B) job or work skill attainment or enhancement including student progress in achieving occupational skills necessary to obtain employment in the field for which the student has been prepared, including occupational skills in the industry the student is preparing to enter;

(C) retention in school or completion of secondary school or its equivalent; and

(D) placement into additional training or education, military service, or employment;

(3) incentives or adjustments that are—

(A) designed to encourage service to targeted groups or special populations; and

(B) for each student, consistent with the student's individualized education program developed under section 614(a)(5) of the Individuals with Disabilities Education Act [20 U.S.C. 1414(a)(5)], where appropriate; and

(4) procedures for using existing resources and methods developed in other programs receiving Federal assistance.

(c) Consistency with other programs

In developing the standards and measures included in a system developed under subsection (a) of this section, the State board shall take into consideration—

(1) standards and measures developed under job opportunities and basic skills training programs established and operated under a plan approved by the Secretary of Health and Human Services that meets the requirements of section 602(a)(19) of title 42; and

(2) standards prescribed by the Secretary of Labor under section 106 of the Job Training Partnership Act [29 U.S.C. 1516].

(d) Information provided by State board

(1) The Committee shall make recommendations to the State board with respect to modifying standards and measures to be used under this section, based on the information provided under paragraph (2).

(2) To assist the Committee in formulating recommendations under paragraph (1), the State board shall provide to the Committee information concerning differing types of standards and measurement, including—

(A) the advantages and disadvantages of each type of standard or measurement;

(B) instances in which such standards and measures have been effective; and

(C) instances in which such standards and measures have not been effective.

(3) In the event that the State board does not accept the Committee's recommendations made as required by paragraph (1), the State board shall set forth in the State plan its reasons for not accepting such recommendations.

(e) Technical assistance

The Secretary shall provide technical assistance to the States with respect to the development of systems under subsection (a) of this section. In providing such assistance, the Secretary shall utilize existing resources in other Federal agencies.

(f) Report

The Secretary shall submit a report to the appropriate committees of the Congress not later than the expiration of the 4-year period beginning on September 25, 1990. Such report shall include—

(1) a detailed description of the status of each State's system of standards and measures developed as required by this section;

(2) an assessment of the validity, predictiveness, and reliability of such standards and measures, unbiased to special populations, in the areas of academic achievement, vocational skill competencies, employment outcomes, and postsecondary continuation and attainment; and

(3) an evaluation of the comparability of State-developed performance standards across States to establish a core of common indicators.

(Pub. L. 88-210, title I, §115, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, §115, Sept. 25, 1990, 104 Stat. 770; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(3), Oct. 20, 1994, 108 Stat. 4024.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Individuals with Disabilities Education Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-382 substituted “title I of the Elementary and Secondary Education Act of 1965” for “chapter 1 of title I of the Elementary and Secondary Education Act”.

1990—Pub. L. 101-476 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act” in subsecs. (a) and (b)(3)(A).

Pub. L. 101-392 amended section generally, substituting provisions relating to State and local standards and

measures of performance for secondary and postsecondary vocational education programs for provisions relating to local applications for assistance under this chapter, including requirements, review and comment, and exemptions from requirements.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 1087ee of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2323, 2326, 2327, 2471, 5886 of this title.

§ 2326. State assessment

(a) In general

Each State board receiving assistance under this chapter shall conduct an assessment using measurable objective criteria developed by the State board to assess program quality. Such criteria shall be developed in consultation with representatives of the groups described in section 2325(a) of this title and shall use information gathered by the National Occupational Information Coordinating Committee and, if appropriate, other information. Each State board shall widely disseminate such criteria. State boards shall develop such criteria no later than the beginning of the 1991-1992 school year. Such criteria shall include such factors as—

(1) integration of academic and vocational education;

(2) sequential course of study leading to both academic and occupational competencies;

(3) increased student work skill attainment and job placement;

(4) increased linkages between secondary and postsecondary educational institutions;

(5) instruction and experience, to the extent practicable, in all aspects of the industry the students are preparing to enter;

(6) the ability of the eligible recipients to meet the needs of special populations with respect to vocational education;

(7) raising the quality of vocational education programs in schools with high concentrations of poor and low-achieving students;

(8) the relevance of programs to the workplace and to the occupations for which students are to be trained, and the extent to which such programs reflect a realistic assessment of current and future labor market needs, including needs in areas of emerging technologies;

(9) the ability of the vocational curriculum, equipment, and instructional materials to meet the demands of the workforce;

(10) basic and higher order current and future workplace competencies which will reflect the hiring needs of employers; and

(11) other factors considered appropriate by the State board.

(b) Deadline for assessment

Each State board shall complete the assessment required by subsection (a) of this section before the expiration of the 6-month period beginning on September 25, 1990.

(Pub. L. 88-210, title I, §116, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321, 2323, 2471 of this title.

§ 2327. Program evaluation and improvement**(a) Annual evaluation**

Each recipient of financial assistance under part C of subchapter II of this chapter shall annually evaluate the effectiveness of the program conducted with assistance under this chapter based on the standards and measures (or modifications thereto) developed as required by section 2325 of this title. As part of each such evaluation, each such recipient shall—

(1) review programs, with the full and informed participation of representatives of individuals who are members of special populations, to—

(A) identify and adopt strategies to overcome any barriers which are resulting in lower rates of access to vocational education programs or success in such programs for individuals who are members of special populations; and

(B) evaluate the progress of individuals who are members of special populations in vocational education programs assisted under this chapter; and

(2) evaluate the progress of vocational education programs assisted under this chapter in providing vocational education students with strong experience in and understanding of all aspects of the industry the students are preparing to enter.

(b) Local program improvement plan

Beginning not less than 1 year after the implementation of the provisions of section 2325 of this title, if any recipient described in subsection (a) of this section determines that the recipient is not making substantial progress in meeting the standards and measures developed as required by section 2325 of this title, such recipient shall develop a plan, in consultation with teachers, parents, and students concerned, for program improvement for the succeeding school year. Such plan shall describe how the recipient will identify and modify programs funded under part C of subchapter II of this chapter, including—

(1) a description of vocational education and career development strategies designed to achieve progress in improving the effectiveness of the program conducted with assistance under this chapter; and

(2) if necessary, a description of strategies designed to improve supplementary services provided to individuals who are members of special populations.

(c) State and local joint plan

If, after 1 year of implementation of the plan described in subsection (b) of this section, sufficient progress in meeting the standards and measures developed as required by section 2325 of this title has not been made, the State shall work jointly with the recipient and teachers, parents, and students concerned to develop a plan for program improvement. Each such plan shall contain—

(1) a description of the technical assistance and program activities the State will provide to enhance the performance of the eligible recipient;

(2) a reasonable timetable to improve the school performance under the plan;

(3) a description of vocational education strategies designed to improve the performance of the program as measured by the evaluation; and

(4) if necessary, a description of strategies designed to improve supplementary services provided to individuals who are members of special populations.

(d) Further action

The State shall, in conjunction with the eligible recipient, annually review and revise the joint plan developed under subsection (c) of this section in order to improve performance and will continue to do so each consecutive year until the recipient sustains, for more than 1 year, fulfillment of the State and local standards and measures developed under section 2325 of this title.

(Pub. L. 88-210, title I, §117, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772.)

EFFECTIVE DATE

Section effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date of 1990 Amendment note under section 2301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2321, 2323, 2471 of this title.

§ 2328. Criteria for services and activities for individuals who are members of special populations**(a) Assurances of equal access for members of special populations**

The State board, in its State plan, shall provide assurances that—

(1) individuals who are members of special populations will be provided with equal access to recruitment, enrollment, and placement activities;

(2) individuals who are members of special populations will be provided with equal access to the full range of vocational education programs available to individuals who are not members of special populations, including occupationally specific courses of study, cooperative education, apprenticeship programs, and, to the extent practicable, comprehensive career guidance and counseling services, and shall not be discriminated against on the basis of their status as members of special populations;

(3)(A) vocational education programs and activities for individuals with handicaps will be provided in the least restrictive environment in accordance with section 1412(5)(B) of this title and will, whenever appropriate, be included as a component of the individualized education program developed under section 1414(a)(5) of this title;

(B) students with handicaps who have individualized education programs developed under section 1414(a)(5) of this title shall, with

respect to vocational education programs, be afforded the rights and protections guaranteed such students under sections 1412, 1414, and 1415 of this title;

(C) students with handicaps who do not have individualized education programs developed under section 1414(a)(5) of this title or who are not eligible to have such a program shall, with respect to vocational education programs, be afforded the rights and protections guaranteed such students under section 794 of title 29 and, for the purpose of this chapter, such rights and protections shall include making vocational education programs readily accessible to eligible individuals with disabilities through the provision of services described in subsection (c)(3) of this section;

(D) vocational education planning for individuals with handicaps will be coordinated between appropriate representatives of vocational education, special education, and State vocational rehabilitation agencies; and

(E) the provision of vocational education to each student with handicaps will be monitored to determine if such education is consistent with the individualized education program developed for such student under section 1414(a)(5) of this title, in any case in which such a program exists;

(4) the provision of vocational education will be monitored to ensure that disadvantaged students and students of limited English proficiency have access to such education in the most integrated setting possible; and

(5)(A) the requirements of this chapter relating to individuals who are members of special populations—

(i) will be carried out under the general supervision of individuals in the appropriate State educational agency or State board who are responsible for students who are members of special populations; and

(ii) will meet education standards of the State educational agency or State board; and

(B) with respect to students with handicaps, the supervision carried out under subparagraph (A) shall be carried out consistent with and in conjunction with supervision by the State educational agency or State board carried out under section 1412(6) of this title.

(b) Provision of information

(1) Each local educational agency shall provide to students who are members of special populations and parents of such students at least 1 year before the students enter or are of an appropriate age for the grade level in which vocational education programs are first generally available in the State, but in no event later than the beginning of the ninth grade, information concerning—

(A) the opportunities available in vocational education;

(B) the requirements for eligibility for enrollment in such vocational education programs;

(C) specific courses that are available;

(D) special services that are available;

(E) employment opportunities; and

(F) placement.

(2) Each eligible institution that receives assistance under subchapter II of this chapter shall provide the information described in paragraph (1) to each individual who requests information concerning or seeks admission to vocational education programs offered by the institution, and, when appropriate, assist in the preparation of applications relating to such admission.

(3) The information provided under this subsection shall, to the extent practicable, be in a language and form that the parents and students understand.

(c) Assurances

Each eligible recipient that receives assistance under subchapter II of this chapter shall provide assurances that such eligible recipient shall—

(1) assist students who are members of special populations to enter vocational education programs, and, with respect to students with handicaps, assist in fulfilling the transitional service requirements of section 1425 of this title;

(2) assess the special needs of students participating in programs receiving assistance under subchapter II of this chapter with respect to their successful completion of the vocational education program in the most integrated setting possible;

(3) provide supplementary services to students who are members of special populations, including, with respect to individuals with handicaps—

(A) curriculum modification;

(B) equipment modification;

(C) classroom modification;

(D) supportive personnel; and

(E) instructional aids and devices;

(4) provide guidance, counseling, and career development activities conducted by professionally trained counselors and teachers who are associated with the provision of such special services; and

(5) provide counseling and instructional services designed to facilitate the transition from school to post-school employment and career opportunities.

(d) Participatory planning

The State board shall—

(1) establish effective procedures, including an expedited appeals procedure, by which parents, students, teachers, and area residents concerned will be able to directly participate in State and local decisions that influence the character of programs under this chapter affecting their interests; and

(2) provide technical assistance and design such procedures to ensure that such individuals are given access to the information needed to use such procedures.

(Pub. L. 88-210, title I, § 118, as added Pub. L. 101-392, title I, § 116, Sept. 25, 1990, 104 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date of 1990 Amendment note under section 2301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2323, 2342 of this title.

SUBCHAPTER II—BASIC STATE GRANTS FOR VOCATIONAL EDUCATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2302, 2311, 2312, 2323, 2328, 2392, 2468e of this title.

PART A—STATE PROGRAMS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 8852 of this title.

§ 2331. State programs and State leadership

(a) General authority

From amounts reserved under section 2312(a)(3) of this title, each State shall conduct State programs and State leadership activities.

(b) Required uses of funds

The programs and activities described in subsection (a) of this section shall include—

(1) professional development activities for vocational teachers and academic teachers working with vocational education students, including corrections educators and counselors, and educators and counselors in community-based organizations, including inservice and preservice training of teachers in state-of-the-art programs and techniques, including integration of vocational and academic curricula, with particular emphasis on inservice and preservice training of minority teachers;

(2) development, dissemination, and field testing of curricula, especially—

(A) curricula that integrate vocational and academic methodologies; and

(B) curricula that provide a coherent sequence of courses through which academic and occupational skills may be measured; and

(3) assessment of programs conducted with assistance under this chapter, including the development of—

(A) performance standards and measures for such programs; and

(B) program improvement and accountability with respect to such programs.

(c) Authorized activities

The programs and activities described in subsection (a) of this section may include—

(1) the promotion of partnerships among business, education (including educational agencies), industry, labor, community-based organizations, or governmental agencies;

(2) the support for tech-prep education as described in section 2394b of this title;

(3) the support of vocational student organizations, especially with respect to efforts to increase minority participation in such organizations;

(4) leadership and instructional programs in technology education; and

(5) data collection.

(Pub. L. 88-210, title II, §201, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 776.)

PRIOR PROVISIONS

Prior sections 2331 to 2334 were omitted in the general revision of this subchapter by Pub. L. 101-392.

Section 2331, Pub. L. 88-210, title II, §201, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2450; amended Pub. L. 100-297, title II, §2401(a), Apr. 28, 1988, 102 Stat. 324, related to use of a portion of a State's allotment to provide vocational education services and activities to meet special needs of handicapped individuals, disadvantaged individuals, single parents, homemakers, or single pregnant women, and other groups.

Section 2332, Pub. L. 88-210, title II, §202, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2452; amended Pub. L. 100-202, §101(h) [title III, §300], Dec. 22, 1987, 101 Stat. 1329-256, 1329-279; Pub. L. 100-297, title II, §2401(b), (c), Apr. 28, 1988, 102 Stat. 324, related to distribution of assistance from State allotment to provide vocational education opportunities.

Section 2333, Pub. L. 88-210, title II, §203, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2453; amended Pub. L. 99-159, title VII, §705, Nov. 22, 1985, 99 Stat. 905, related to allocation within individual States of the funds available for vocational education services and activities for the handicapped.

Section 2334, Pub. L. 88-210, title II, §204, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2454; amended Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, related to criteria for services and activities for the handicapped and for the disadvantaged.

EFFECTIVE DATE

Subchapter effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date of 1990 Amendment note under section 2301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 6215 of this title.

PART B—OTHER STATE-ADMINISTERED PROGRAMS

SUBPART 1—PROGRAMS TO PROVIDE SINGLE PARENTS, DISPLACED HOMEMAKERS, AND SINGLE PREGNANT WOMEN WITH MARKETABLE SKILLS AND TO PROMOTE THE ELIMINATION OF SEX BIAS

§ 2335. Programs for single parents, displaced homemakers, and single pregnant women

(a) General authority

Each State shall use the amount reserved under section 2312(a)(2)(A) of this title only to—

(1) provide, subsidize, reimburse, or pay for preparatory services, including instruction in basic academic and occupational skills, necessary educational materials, and career guidance and counseling services, in preparation for vocational education and training that will furnish single parents, displaced homemakers, and single pregnant women with marketable skills;

(2) make grants to eligible recipients for expanding preparatory services and vocational education services when the expansion directly increases the eligible recipients' capacity for providing single parents, displaced homemakers, and single pregnant women with marketable skills;

(3) make grants to community-based organizations for the provision of preparatory and vocational education services to single parents, displaced homemakers, and single pregnant women if the State determines that the community-based organization has demonstrated effectiveness in providing comparable or related services to single parents,